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10/673,794	09/29/2003	Ronald P. Sansone	F-729	2973

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EXAMINER

STONE, JENNIFER A

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2636

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/673,794
Filing Date: September 29, 2003
Appellant(s): SANSONE ET AL.

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Ronal Reichman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12-12-05 appealing from the Office action
mailed June 30, 2005.

(2) Related Appeals and Interferences

The Examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the Examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt et al., and further in view of Leon .

For claim 1, Eberhardt discloses a method for paying for mail to be delivered from a sender in a first zip code to a recipient in a second zip code, comprising the steps of: affixing a radio frequency identification (RFID) tag to mail (col 1, Ins 20-22) for the payment of the carrier fees for the first zip code; and the second zip code (col 8, Ins 1-13; col 8, Ins 60-63). Eberhardt, however, is unclear if the payments of the carrier fees apply to a first country; and a second country. Leon on the other hand incorporates RFID tags affixed to mail and includes payment of carrier fees for a first country; and for a second country (col 4, Ins 10-18; col 8, Ins 57-67; col 9, Ins 1-12 and 46-52; col 11, Ins 10-12). For example, in columns 8 and 9, Leon discusses payment of carrier fees in the context of an international market. By definition, the term "international" means affecting or relating to two or more nations (i.e. countries). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include payment for a first country and second country on an RFID device so that tracking history of the mail is enhanced.

For claim 2, Eberhardt discloses the RFID tag has a first portion for storing fees for the first zip code and a second portion for storing fees for the second zip code (col 8, Ins 1-13, 43-48, and 57-63). It is well known that sender and recipient addresses

include a first zip code and a second zip code, respectively; however, Eberhardt does not disclose that fees apply to a first country; and a second country. Leon, however, does disclose storing fees relevant to a first and second country (col 4, Ins 14-19; col 8, Ins 57-67; col 9, Ins 1-13). It would have been obvious to store fees pertaining to different countries on the RFID tag so that payment adjustments are updated in the event of currency rate changes.

For claim 3, Eberhardt discloses graphics printed in the vicinity of the RFID tag (Fig. 7, col 3, Ins 4-6).

For claim 4, Eberhardt discloses human readable information printed in the vicinity of the RFID tag (Fig. 1 – 32 cents and U.S.).

For claim 5, the human readable information indicates postage has been paid (Fig. 1 – 32 cents; col 2, Ins 36-39).

For claim 8, the RFID tag contains a unique number that uniquely defines the mail (col 3, Ins 18-20; col 4, Ins 53-55).

For claim 9, the RFID tag stores the services requested by the mailer (col 6, Ins 54-56; Fig. 9, items 603).

For claim 10, the RFID tag stores the payment for the requested services (Fig. 9, item 604; col 6, Ins 54-56).

For claim 11, the RFID tag stores the mailer's name and address (col 6, Ins 55; Fig. 9, item 601). It is well known that sender information comprises a mailer's name and address.

For claim 12, the RFID tag stores the recipient's name and address (col 6, ln 55; Fig. 9, item 602). It is well known that recipient information comprises a recipient's name and address.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt et al. and Leon, and further in view of De Souza et al.

Eberhardt discloses canceling the postage on the RFID tag; however, canceling the tag is not disclosed. De Souza, on the other hand, discloses canceling an RFID tag affixed to a payment check (Fig. 1, item 12; paragraph 0017, lns 1-4; parag 0021, lns 1-3). It would have been obvious to cancel the RFID tag so that the tag can be reused. Reusing RFID tags is cost efficient.

(10) Response to Argument

On page 10 (of the Appeal Brief), the Appellant states that "Eberhardt does not disclose that the radio frequency stamp may be used for the payment of the carrier fees for the first country; and the second country." The Examiner ultimately agrees with the Appellant because Eberhardt does not specifically state that the payments of the carrier fees apply to more than one country (col 1, lns 20-22; col 8, lns 1-13; col 8, lns 60-63; Fig. 9). Nevertheless, since Eberhardt discloses in column 8 that an RFID stamp includes programmed information such as billing instructions to invoice an appropriate party, and further, reprogram the stamp based on changes with the billing instructions, it is implied that the RFID stamp is not limited to one country (i.e. used in multiple countries).

In support of Eberhardt, Leon further discloses a postal metering system that produces postage labels that are used for the payment of postage in more than one country since the system is applied in an international market. Leon incorporates RFID tags affixed to mail and includes payment of carrier fees for a first country; and for a second country (col 4, lns 10-18; col 8, lns 57-67; col 9, lns 1-12; col 11, lns 10-12). For example, in columns 8 and 9, Leon discusses payment of carrier fees in the context of an international market. By definition, the term "international" means affecting or relating to two or more nations (i.e. countries).

On page 14 (of the Appeal Brief), the Appellant states that "Eberhardt does not disclose... that the radio frequency tag has a first portion for storing fees for the first country and a second portion for storing fees for the second country. In figure 9, Eberhardt depicts billing instructions and services for an RFID tag. Furthermore, Eberhardt discloses that the information in Figure 9 is programmed and stored on circuit chip 620, shown in figure 10. Eberhardt's automatic billing or invoicing is interpreted as a first portion for storing fees for a first location and a second portion for storing fees for a second location and as column 8, lines 9-14 state, "upon delivery, the billing instruction is read and the appropriate party invoiced for the services." In addition, by definition (taken from Merriam-Webster's Collegiate Dictionary 10th edition), a bill (related to billing instructions) is "an itemized account of the separate cost of goods sold, service performed, or work done: invoice". In order for the billing instructions to be read and the appropriate party invoiced for the services, it is necessary to store fees for first and second locations (in this case zip codes) in order to read the fees from a

readable medium. In addition, it extremely well known that a sender address and a recipient address is associated with first zip/country code and a second zip/country code respectively. Even though Eberhardt does not specifically disclose that fees apply to a first country; and a second country. Leon, however, does disclose storing fees relevant to a first and second country (col 4, lns 14-19; col 8, lns 57-67; col 9, lns 1-13).

The Appellant argues that Leon discloses only accessing national and international postal information but does not disclose storing fees for a first country and a second country. Examiner agrees that Leon accesses postage amount (for national and international mail); however, Leon also discloses that the amount generated (from the host PC or SMD) for each country (more than one) is stored on the indicia (col 9, lns 1-13), which is an embodiment of the postage label (col 2, lns 21-26 and 30-33). Therefore, Eberhardt and Leon meet all limitations of claim 2 of the present invention.

As for claim 6, Even though Eberhardt discloses a signal indicating that postage has been cancelled, the examiner agrees with the Appellant that Eberhardt does not disclose human readable information that indicates that postage has been cancelled. Therefore, claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 8, the Appellant argues that Eberhardt does not disclose a unique number. Eberhardt discloses a tracking number and/or customer number stored in the circuit chip 20 as part of tracking and routing information (col 7, lns 35-40 and 60-62; col 8, lns 49-54). A tracking number is a unique number assigned to identify an

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object, good, service, delivery, etc. to be tracked. Likewise, a customer number is a unique number assigned to one customer.

For the above reasons, it is believed that the rejections (except claim 6) should be sustained.

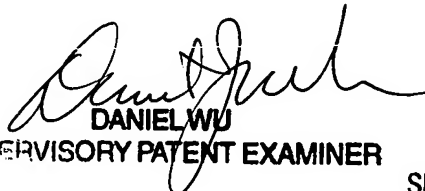
(11) Related Proceeding(s) Appendix

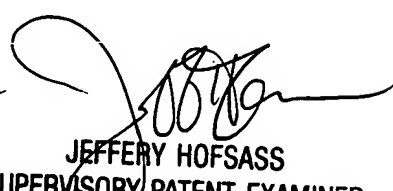
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Jennifer Stone
December 19, 2005

Conferees:
Danny Wu, Jeffery Hofsass, ~~Benjamin Lee~~


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